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UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

JACK L. EARL, JR.,

Petitioner,

vs.

CRAIG TURNBULL,

Respondent.

Case No. 3:02-cv-0224-HRH

**MOTION TO RECONSIDER PARTIAL
DENIAL OF UNOPPOSED MOTION
TO EXTEND TIME FOR BRIEFING**

Filed on Shortened Time

Petitioner, Jack L. Earl, Jr., by and through counsel Mary C. Geddes, Assistant Federal Defender, moved to extend the time set for the submission of his opening brief. His motion was unopposed by Respondent's counsel, Kenneth Rosenstein. The court denied his motion in part, extending the time to file only until Wednesday, January 11, 2007.

Reconsideration is respectfully requested, for the following reasons.¹ Counsel was out most of the last two weeks due to personal leave, and only returned to work today after out of state travel for a family reunion. She was thus unaware of this court's partial denial until this morning. The court's partial denial allows counsel only two more calendar days in which to submit Mr. Earl's brief and the supporting record. Counsel already had medical appointments scheduled for Tuesday morning, and has school-related responsibilities every Tuesday afternoon.

The court's denial was for the reason that Mr. Earl has had sufficient time to submit his brief. The undersigned does apologize for the delay in proceedings, but she begs leave. Although she has been working diligently, she has not worked exclusively on Mr. Earl's case, having other commitments. For example, she submitted a petition for certiorari in *United States v. Grable*. Nevertheless, she did devote a great deal of time during the month of December to researching Mr. Earl's claims and the case record, in her effort to comply with the previous deadline.

Counsel asks the court for this final accommodation so she can do her best in presenting both Mr. Earl's claims and making a comprehensible excerpt of record, rather than an overwhelming volume of various media. To this end, she has cancelled her participation in a training program which would have taken her out of district from January 18 through 22, 2007.

Mr. Earl himself has no disagreement with an extension of time, even though he is incarcerated. Additionally, and significantly, counsel for the Respondent is aware of the

¹Mr. Earl had requested an extension of time until February 8, 2006, his merit brief and the accompanying record..

difficulties faced by petitioner's counsel in assembling the record, and indeed has assisted her in attempting to locate missing records. Mr. Rosenstein has indicated that he has no problem with the extension of time which was sought. As noted previously, the records so far obtained have filled five file drawers.

If the court cannot approve the full amount of time requested and unopposed, then Mr. Earl requests that the court allow him to submit his brief by January 29, 2007.

DATED this 8th day of January, 2007.

Respectfully submitted,

FEDERAL PUBLIC DEFENDER
FOR THE DISTRICT OF ALASKA

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Certification:

I certify that on January 8, 2007, a copy of the foregoing document, with attachments, was served electronically on:

Kenneth M. Rosenstein, Esq.

/s/ Mary C. Geddes